

STAFFING

1. REASON FOR ISSUE: To revise Department of Veterans Affairs (VA) procedures related to staffing.

2. SUMMARY OF CONTENTS/MAJOR CHANGES: This handbook contains mandatory VA procedures on staffing. The pages in this handbook replace the corresponding page numbers in VA Handbook 5005. These changes will be incorporated into the electronic version of VA Handbook 5005 that is maintained on the [Office of Human Resources Management website](#). Significant changes include:

a. Adds language erroneously omitted concerning reemployment after appointments under 38 U.S.C. 7306.

b. Modifies provisions of the VA Nurse Qualification Standard concerning registered nurses educated outside the United States.

c. Modifies the promotion reconsideration process for Veterans Health Administration Title 38 employees appointed under Section 7401(1) and (3) of Title 38, United States Code (U.S.C.)

d. Extends the reconsideration process to Title 38 employees appointed under 38 U.S.C. 7405(a)(1)(A) and (B) and to employees whose promotions require waivers of education or other qualification requirements.

3. RESPONSIBLE OFFICE: The Human Resources Management Programs and Policies Service (051), Office of the Deputy Assistant Secretary for Human Resources.

4. RELATED DIRECTIVE: VA Directive 5005, "Staffing."

5. RESCISSIONS: None.

CERTIFIED BY:
SECRETARY

/s/

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Acting Assistant Secretary for
Information and Technology

BY DIRECTION OF THE
OF VETERANS AFFAIRS:

/s/

William H. Campbell
Acting Assistant Secretary for Human
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Department of Veterans Affairs
5005/4
Washington, DC 20420

VA HANDBOOK

Transmittal Sheet
December 03, 2003

(3) Individuals serving on 38 U.S.C. 7306 appointments may be reassigned at the same grade level during a period of initial appointment, reappointment, or extension of the appointment. However, if a reassignment involves a change in grade, the employee must be given a new four-year appointment.

(4) Individuals serving on initial 38 U.S.C. 7306 appointments, reappointments, or extensions of appointments are subject to removal by the Secretary.

b. Senior Medical Investigators. See M-3.

c. Director, Chaplain Service. Under the provisions of 38 U.S.C. 7306(e)(1), the Secretary may designate a member of the Chaplain Service of VA as Director, Chaplain Service, for a period of two years. Redesignations may be made for any period not exceeding two years.

[d. Reemployment After Appointment Under 38 U.S.C. 7306

(1) The Under Secretary for Health may recommend to the Secretary reappointment of individuals appointed under 38 U.S.C. 7306.

(2) An employee initially appointed under authority of 38 U.S.C. 7306 may be reemployed under authority of 38 U.S.C. 7401(1), except for individuals ineligible for such an appointment.

(3) An employee who relinquished an appointment under 38 U.S.C. 7401(1) in order to accept an appointment under 38 U.S.C. 7306 shall be entitled to reemployment under authority of 38 U.S.C. 7401(1) upon termination of the appointment under 38 U.S.C. 7306 for any reason other than cause.

(4) An employee who relinquished a permanent Title 5 appointment in order to accept an appointment under 38 U.S.C. 7306 shall be entitled to reemployment under authority of Title 5 upon termination of the appointment under 38 U.S.C. 7306 for any reason other than cause.

e. After Designation as Director, Chaplain Service Under 38 U.S.C. 7306(e)(1). An employee designated as Director, Chaplain Service, shall be entitled to return to the position, grade, and status held immediately prior to this designation upon completion of the period of service. All service as Director, Chaplain Service, shall be creditable as service in the position held prior to the designation.]

2. The Commission on Collegiate Nursing Education (CCNE), an accrediting arm of the American Association of Colleges of Nursing (AACN). The CCNE accredits bachelors and masters degree programs, and is located at One Dupont Circle N.W., Suite 530, Washington, DC 20036 or call (202) 463-6930. Additional information may be obtained from the [CCNE web site](#).

(c) In cases of graduates of foreign schools of professional nursing, possession of current, full, active, and unrestricted registration (see paragraph (3) below) [] will meet the requirement of graduation from an approved school of nursing.

NOTE: *[Most individuals admitted as permanent residents or adjusting to permanent resident status as registered nurses on or after December 14, 1998, for the purpose of working as a registered nurse, must meet the certification requirements in Section 343 of the Illegal Immigration Reform and Immigrant Responsibility Act (Pub. L. 104-208, September 30, 1996). This certification involves a review of the alien's education, training, license(s), and experience, verification that the alien possess an acceptable level of competence in written and oral English, and a requirement that the individual has passed either the Commission on Graduates of Foreign Nursing Schools (CGFNS) Qualifying Examination or the National Council of State Boards of Nursing, Inc. examination, the NCLEX-RN. For additional information see Pub. L. 104-208, 63 Federal Register 55007-55012, dated October 14, 1998, and the [CGFNS website](#)].*

(3) Registration

(a) **Condition of Employment.** A [registered nurse (RN)] will have a current, full, active and unrestricted registration as a graduate professional nurse in a State, Territory, or Commonwealth (i.e., Puerto Rico) of the U.S. or in the District of Columbia. The appointing official may waive this registration if the RN is to serve in a country other than the U.S. and the RN has registration in that country (e.g., Philippines). *The RN must maintain a current, full, active and unrestricted registration to continue employment with VA.*

(b) **Impaired Registration.** [An impaired registration is a]ny registration(s) revoked, suspended, denied, restricted, limited, or issued/placed in a probationary status. A [registered] nurse who has or ever had any such impairment to their registration as listed above may be appointed only in accordance with the provisions of chapter 3, section B, paragraph 15 of this part.

(4) **Physical Standards.** See VA Directive and Handbook 5019.

(5) **English Language Proficiency.** RNs appointed to direct patient care positions must be proficient in spoken and written English as required by 38 U.S.C. 7402(d) and 7407(d).

(6) **Nurse Practitioners and Clinical Nurse Specialists.** On and after January 12, 2003, [registered] nurses appointed or otherwise moving into these assignments must meet and maintain the following additional qualifications. This includes employees appointed before January 12, 2003, who obtain such qualifications on or after January 12, 2003.

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(a) **Nurse Practitioners.** A nurse practitioner must be licensed or otherwise recognized as a nurse practitioner in a State, and maintain full and current certification as a nurse practitioner from the American Nurses Association or another nationally recognized certifying body.

(b) **Clinical Nurse Specialists.** A clinical nurse specialist must possess a Masters degree from an academic program accredited by the NLNAC or CCNE with a major in the clinical nursing specialty to which the nurse is to be assigned.

(c) **Prescriptive Authority.** This handbook does not address any additional requirements that nurse practitioners and clinical nurse specialists must meet before they are granted prescriptive authority.

b. Definitions

(1) **Successful Nursing Practice.** Documented evidence of experience as an RN that is determined to be sustained at or above an acceptable level of quality. This may include experience as a Graduate Nurse Technician (GNT) provided the candidate was utilized as a professional nurse and passed the State licensing (board) examination on the first attempt, and experience as a Nurse Technician Pending Graduation provided the candidate possessed an active, current registration to practice nursing in a State and was utilized as a professional nurse (See chapter 3, section G, paragraph 5, this part). It may also include performance as a VA [registered] nurse that is at or above the fully satisfactory level. Professional nursing experience should be documented on the Proficiency Report, VA Form 10-2623, Application for Employment – Nurses and Nurse Anesthetists, VA Form 10-2850a, or on a candidate's resume.

(2) **Length of Nursing Practice (Experience).** The amount of time documented on the VA Form 10-2850a or on a candidate's resume. (A performance evaluation or reference covering the candidate's most recent employment as a RN is essential.) Part-time experience as a RN is credited according to the relationship it bears to the full-time workweek. For example, a RN who worked 20 hours a week (i.e., on a half-time basis) would receive one full-time workweek of credit for each 2 weeks of such service.

(3) **Degree in a Related Field.** Baccalaureate and graduate degrees in fields related to nursing from a college or university which was accredited by the state at the time the candidate completed the program. Information on accredited colleges and universities is contained in Accredited Institutions of Post-secondary Education, published annually by the American Council on Education, One Dupont Circle NW, Washington, DC 20036, or call (202) 939-9300. Information can be obtained from the [ACE web site](#).

promotion or advancement consideration. Following consideration by the board, the file will be referred to the facility Director for appropriate action.

(b) If the employee is not promoted, the AAC will continue to send the VA Form 5-97 annually until a change in grade occurs. The VA Form 5-97 will be forwarded to the appropriate supervisory official. An employee at Nurse II and below who is not promoted or advanced to a higher level within the grade will be considered for promotion or advancement to a higher level within the grade on the next anniversary date of grade. [On and after October 1, 2005, a] longer period for consideration, not to exceed 3 years, may be established by the [NPSB] when a registered nurse at Nurse II and below does not meet the qualification standard grade requirements of education or required experience. In these cases, the Human Resources Management office will tab the service control file and will destroy the VA Form 5-97 for the year(s) when the employee is not to receive consideration.

NOTE: *Upon completion of the degree requirement, a registered nurse or nurse anesthetist may be considered for promotion if the administrative requirements are met. This is the only time a registered nurse or nurse anesthetist may be considered for promotion other than on the anniversary date of grade.*

(6) **Waiver of Experience and /or Degree Requirements.** The appointing official may authorize a waiver of experience and/or the degree requirements for individuals whose professional accomplishments, performance, and qualifications warrant such consideration based on demonstrated ability to meet the requirements for promotion to the next higher grade or advancement to a higher level within the grade (see the VA Nurse Qualification Standard). In considering a registered nurse for promotion to Nurse III or below, the appropriate NPSB will determine whether or not the individual should be recommended for promotion or advancement to a higher level within the grade with a waiver of the experience and/or degree requirements.

(7) **Recommendations of Nurse Professional Standards Boards.** If consideration of a registered nurse promotion or advancement to a higher level within the grade by the Under Secretary for Health or designee is requested, the Human Resources Management Officer will take necessary steps to ensure that the Nurse Executive and the Chief of Staff are aware of the case and of the recommendation(s) of the appropriate Nurse Professional Standards Boards.

7. PROMOTION RECONSIDERATION AND REVIEW

a. [**Coverage.** This paragraph applies to physicians, dentists, podiatrists, optometrists, registered nurses, nurse anesthetists, physician assistants, and expanded-function dental auxiliaries appointed under 38 U.S.C. 7401(1) or 7405(a)(1)(A), and to certified or registered respiratory therapists, licensed physical therapists, licensed practical or vocational nurses, pharmacists, and occupational therapists appointed under 38 U.S.C. 7401(3) or 7405(a)(1)(B).

b. **Notice of Decision.** Employees are to be advised by their supervisor of any decision not to promote them, of the reason(s) for the decision, and of their right to request reconsideration. The right to reconsideration does not extend to promotions to Nurse IV and Nurse V, which are based on complexity of assignment, nor does it extend to temporary promotions.

c. **Informal Discussion.** Employees are to discuss their dissatisfaction with their immediate supervisor prior to submitting a request for reconsideration under paragraph d below.

d. **Submission of Reconsideration Request or Request for Central Office Review**

(1) If the employee does not believe the supervisor's explanation is satisfactory, the employee may submit a written request for reconsideration through the supervisor to the appropriate Professional Standards Board for review within 14 calendar days of the non-promotion decision (see paragraph e below). The approving official or designee may extend the 14-day period at the written request of the employee if the employee is unable to submit the information for reasons beyond the employee's control. The employee's written request for reconsideration is to indicate when the informal discussion was held with the immediate supervisor and cite the specific reason(s) why the employee believes the decision was not proper. Supervisors are to review and comment on the employee's request in writing, and provide copies of those comments to the employee.

(2) If on reconsideration the approving official disapproves the promotion under paragraph 7f(3) below, the employee may request Central Office review within 14 calendar days of being notified of the decision. A written request for Central Office review is to be submitted through channels to the approving official, but the approving official or designee may extend the 14-day period at the written request of an employee if the employee is unable to submit the information for reasons beyond the employee's control.

(3) Employees may withdraw requests at any time.

e. **Professional Standards Board Review.** The appropriate Professional Standards Board will review the information submitted by the employee and make a recommendation to the approving official. If the employee's request does not include the information specified in paragraph 7d(1) above, the technical representative to the Professional Standards Board is to return the request to the employee for completion. The additional information is to be returned to the Professional Standards Board within 14 calendar days; however, the appropriate management official may extend the 14-day period if the employee is unable to submit the information for reasons beyond the employee's control. Upon completing its review, the professional standards board is to forward its recommendation to the approving official for action under paragraph f below.

f. **Action by Approving Authority.** Upon review of the reconsideration file, the approving official shall take one of the following actions:

(1) Request any additional information needed to make a decision. This includes, but is not limited to, meeting with representatives of the Professional Standards Board, the employee, or the employee's supervisor prior to making a decision under paragraph (2) or (3) below.

(2) Approve the adjustment of the employee's grade or level in accordance with paragraph 8a below.

(3) Disapprove the promotion and notify the employee of the decision in writing. If the employee requests VA Central Office review under paragraph 7d(2) above, the approving official shall forward the reconsideration file, the employee's personnel folder, and any comments to the appropriate VA Central Office Professional Standards Board for review.

g. Review by the Central Office Professional Standards Board. When a request for Central Office review is submitted to the appropriate VA Central Office Professional Standards Board under paragraph f(3) above, the Under Secretary for Health or a designee becomes the promotion approving authority. The appropriate Professional Standards Board is to review the information submitted by the facility and make a recommendation to the approving official. If necessary, the Central Office Professional Standards Board may request additional information. Upon completing its review, the Central Office Professional Standards Board is to forward its recommendation to the approving official for action under paragraph h below.

h. Action by Under Secretary for Health or Designee. Upon receipt of the recommendation from the appropriate VA Central Office Professional Standards Board, the approving official or designee may:

(1) Authorize the adjustment in the employee's grade or level in accordance with paragraph 8a below.

(2) Request any additional information needed; or

(3) Disapprove the promotion and advise the employee of the determination in writing. Such determinations are final.

i. Coverage as Employee Grievance. Requests for promotion reconsideration are excluded from the Agency Grievance Procedure. See VA Handbook 5021, Part IV, Chapter 3, paragraph 16. Promotion reconsideration is also excluded from negotiated grievance procedures under the provisions of 38 U.S.C. 7422(b).]

8. EFFECTING ADVANCEMENT AND PROMOTION ACTIONS

a. Effective Date

(1) The promotion will be placed into effect by the Human Resources Management Officer on the first day of the pay period following the date of administrative approval of the promotion by the officials designated in appendix III-K, this part, but in no case earlier than the date on which all administrative requirements are met.